

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LAURIE A. GABALDON,

Plaintiff,

v.

No. CIV 12-586

ALVIN ANDREW STOCK, and
HEARTLAND EXPRESS INC. OF IOWA,
An Iowa For-Profit Corporation,

Defendants.

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TO: UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMES NOW the Defendants, Alvin Andrew Stock and Heartland Express Inc. (herein after "Defendants"), by and through its attorneys of record, Butt Thornton & Baehr PC (Martin Diamond), and as grounds for removal to this Court, states as follows:

1. On or about April 25, 2012, a Complaint to Recover for Personal Injury was filed in the Second Judicial District Court, County of Bernalillo, State of New Mexico. The case was docketed as Cause No. D-202-CV-2012-04023. The parties to said Complaint were Plaintiff Laurie A. Gabaldon and Defendants Alvin Andrew Stock and Heartland Express, Inc. Upon information and belief, both Defendants were served with a copy of the Summons and Complaint on or about May 5, 2012.

2. Plaintiff, Laurie A. Gabaldon is a resident of the State of New Mexico.

3. Heartland Express Inc. is an Iowa corporation with its principle place of business in North Liberty, Iowa.

4. Defendant Alvin Andrew Stock is a resident of Kempner, Texas.

5. Complete diversity exists between the Plaintiff and Defendants in this matter. Upon information and belief, the amount in controversy in this matter is in excess of \$75,000.

6. The Complaint is a civil action over which this Court has jurisdiction pursuant to 28 USC §1332, and which is removable by Defendants under the provisions of 28 USC §1441, in that subparagraph (a), the matter in controversy exceeds the sum of value of \$75,000, exclusive of interest and costs, and subparagraph (b), the matter in controversy is between citizens of different states.

7. In accordance with D.N.M. LR-Civ. 81.1, copies of all process and pleadings served upon the Defendants Alvin Andrew Stock and Heartland Express, Inc. in the State of New Mexico, County of Bernalillo, Second Judicial District Cause No. D-202-CV-2012-04023 are being filed with this Notice as Exhibit 1.

8. This Notice of Removal is filed with this Court within thirty (30) days after service upon Defendants Alvin Andrew Stock and Heartland Express, Inc., which is the first pleading naming said Defendants.

9. Defendants Alvin Andrew Stock and Heartland Express, Inc., immediately upon filing the Notice of Filing of Notice of Removal, gave written notice of the filing to Plaintiff as required by 28 USC §1446(D) and filed a copy of this Notice of Removal with the

Clerk of the Fourth Judicial District Court, County of Guadalupe, State of New Mexico, the Court from the which the action is removed.

10. This Notice of Removal is signed pursuant to Fed.R.Civ. P.11.

WHEREFORE, the Defendants Alvin Andrew Stock and Heartland Express Inc. pray that the above-entitled action be removed from the Second Judicial District Court, County of Bernalillo, State of New Mexico, to this United States District Court for the District of New Mexico.

BUTT THORNTON & BAEHR PC

/s/ *Martin Diamond*
Martin Diamond
Attorneys for Defendants
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I HEREBY CERTIFY that on the 30th day of May, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Robert M. Ortiz
Robert@fergusonlaw.com

/s/ *Martin Diamond*
Martin Diamond